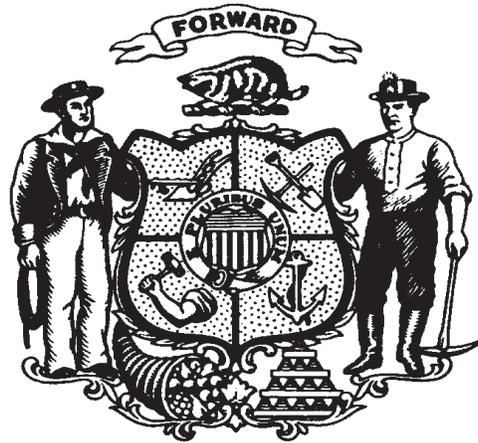


Wisconsin Administrative Register

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Emergency rules now in effect

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at www.legis.state.wi.us/rsb/code.

Agriculture, Trade & Consumer Protection (2)

1. Rules adopted revising **chs. ATCP 10 and 11** relating to chronic wasting disease in cervids.

Finding of emergency

(1) Chronic wasting disease is a contagious disease known to affect several species of the cervid family, including elk, white-tailed deer, black-tailed deer, red deer and mule deer. The disease is always fatal. At the present time, there is no scientific evidence to suggest that chronic wasting disease is transmitted to non-cervids or to humans. But there is limited scientific knowledge about the disease, and this lack of knowledge has contributed to public concerns.

(2) The cause of chronic wasting disease is not fully understood. The disease appears to be related to aberrant protein molecules called prions. By an unknown mechanism, prions apparently cause other protein molecules in the cervid brain to take aberrant forms. The disease causes microscopic vacuoles (holes) in the brain. Diseased cervids become emaciated, display abnormal behavior patterns, and experience loss of bodily functions.

(3) Science does not understand how chronic wasting disease is spread. It is thought that infected cervids can transmit the disease to other cervids, either directly or by contaminating their environment. It appears that cervid-to-cervid contact facilitates the spread of the disease.

(4) On February 27, 2002, the national veterinary services laboratory informed Wisconsin that it had confirmed chronic wasting disease for the first time in this state. The laboratory confirmed the disease in test samples collected from 3 free-ranging white-tailed deer killed by hunters during the November 2001 gun deer season. The Wisconsin Department of Natural Resources (DNR) collected these samples as part

of a statewide disease surveillance program. With the voluntary cooperation of hunters, DNR collected test samples from deer killed and registered by hunters at selected hunting registration sites around the state. DNR collected a total of 345 samples statewide, including 82 samples at the Mt. Horeb registration station. The 3 deer that tested positive for chronic wasting disease were all registered at the Mt. Horeb station. The 3 deer were shot in close proximity to each other in Vermont Township in Dane County. We do not know how the 3 deer were exposed to chronic wasting disease, nor do we know the extent of infection in the free-ranging herd.

(5) We do not know whether any captive cervids in Wisconsin are infected with chronic wasting disease (there are no findings to date). If captive cervids are infected, the close proximity of cervids within a captive herd may facilitate the spread of disease within the herd. The movement of infected cervids between herds may spread the disease to other herds. Contact between free-ranging and captive cervids may also spread the disease.

(6) Persons importing captive cervids to Wisconsin must obtain an import permit from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Importers must identify the herd of origin and the herd of destination. A veterinarian must certify that the cervids appear to be in good health, and that they have been tested for tuberculosis and brucellosis. There is no chronic wasting disease testing requirement, because there is no way to test live cervids for the disease.

(7) Since 1995, a total of 2,604 captive cervids have been legally imported into Wisconsin. This includes 2,020 elk, 191 whitetail deer, 12 mule deer and 387 other cervids. Chronic wasting disease has been found in free-ranging herds or in some captive herds in Colorado, Nebraska, Oklahoma, Kansas, Montana, South Dakota, and Wyoming. Since 1995, a total of 410 captive cervids have been legally imported to Wisconsin from these states. Most other states lack active chronic wasting disease surveillance programs, so the full extent of the disease is not known with certainty.

(8) DATCP currently registers captive cervid herds, other than white-tail deer herds. DNR currently licenses captive white-tail deer herds. Since 1998, DATCP has sponsored a voluntary program to monitor for chronic wasting disease among the captive herds that it registers. Approximately 50 herd owners currently participate in this program.

(9) Since chronic wasting disease was confirmed in this state, there has been widespread public concern about the disease. The public has expressed concern about the health of free-ranging deer and elk, and about potential threats to humans, livestock and deer-related businesses. Hunters and consumers have expressed food safety concerns. There is currently no scientific evidence to suggest that chronic wasting disease is transmissible to non-cervids or to humans. But there is limited scientific knowledge about the disease, and this lack of knowledge has contributed to public concerns.

(10) In order to protect the public peace, health, safety and welfare, it is necessary to take immediate steps to prevent and control the spread of chronic wasting disease in this state. Among other things, it is necessary to impose further controls on the import and movement of captive cervids and to implement a mandatory monitoring program. DATCP may adopt rules to implement these measures.

(11) Normal rulemaking procedures require up to a year or more to complete. A temporary emergency rule is needed to protect the public peace, health, safety and welfare, pending the adoption of longer-term rules. This emergency rule will implement essential prevention and control measures on an immediate, interim basis.

Publication Date: April 9, 2002
Effective Date: April 9, 2002
Expiration Date: September 6, 2002
Hearing Date: May 22, 2002
Extension Through: May 31, 2003

2. Rules adopted revising **ch. ATCP 96** relating to milk producer security.

Finding of emergency

(1) The Legislature, in 2001 Wis. Act 16, repealed and recreated Wisconsin's agricultural producer security program. The new program is codified in ch. 126, Stats. (the "new law"). The new law takes effect, for milk contractors, on May 1, 2002. The new law is intended to protect milk producers against catastrophic financial defaults by milk contractors.

(2) The new law applies to milk contractors, including dairy plant operators, producer agents and other milk handlers, who procure producer milk in this state. Under the new law, milk contractors must be licensed by the Wisconsin department of agriculture, trade and consumer protection (DATCP). Milk contractors must pay license fees and do one or more of the following:

(a) Contribute to Wisconsin's agricultural producer security fund, to help secure milk payments to milk producers.

(b) File security with DATCP.

(c) File financial statements with DATCP, showing that the contractor meets minimum financial standards specified in ch. 126, Stats.

(3) The new law regulates producer agents (who market milk and collect payment for milk producers, without taking title to the milk), but treats them differently than other milk contractors. Producer agents may have lower fund participation requirements, and may file smaller amounts of security, than other milk contractors. The program may provide correspondingly less compensation to producers if a producer agent defaults.

(4) It is important to clarify the following matters before the new law takes effect for milk contractors on May 1, 2002:

(a) The treatment of dairy plant operators who provide custom processing services to milk producers, without marketing or taking title to milk or dairy products.

(b) The treatment of producer agents. Under s. 126.51, Stats., DATCP must adopt rules for milk contractors who wish to qualify as producer agents under the new law.

(c) The treatment of persons who market only processed dairy products for milk producers, without procuring, marketing or processing raw producer milk.

(d) The method by which milk contractors calculate and report milk payment obligations, for the purpose of calculating fund assessments and security requirements under the new law.

(5) Under s. 126.81 (4), Stats., DATCP may require milk contractors to disclose their security and fund contribution status to milk producers. It is important for milk contractors to begin making these disclosures soon after the new law takes effect, so that producers can evaluate the financial risk

associated with milk procurement contracts. Disclosures are important, because not all milk contractors are required to participate in the agricultural security fund or file security with DATCP.

(6) It is not possible, by normal rulemaking procedures, to adopt these essential clarifications and disclosure requirements by May 1, 2002. DATCP must, therefore, adopt them by emergency rule. This emergency rule is needed to implement the new law, to protect the financial security of milk producers, to preserve fair competition in the dairy industry, and to avoid unnecessary confusion and expense for dairy businesses.

Publication Date: April 29, 2002
Effective Date: April 29, 2002
Expiration Date: September 26, 2002
Hearing Date: May 16, 2002
Extension Through: January 23, 2003

Commerce

(Financial Assistance to Businesses and Communities, Chs. Comm 105 to 128)

The Wisconsin Department of Commerce proposes an order to create **ch. Comm 118** relating to the Agricultural Development Zone Program.

Finding of emergency

The Department of Commerce finds that an emergency exists and that adoption of the rule is necessary for the immediate preservation of public health, safety and welfare.

Facts constituting the emergency are as follows:

1. In accordance with s. 560.798 (5), Stats., the Department of Commerce has the responsibility to promulgate rules for the operation of an agricultural development zone to provide for the attraction, promotion, retention, and expansion of agricultural businesses in the state.

2. Section 560.798 (3), Stats., makes available certain tax benefits for certified business within an agricultural development zone; tax credits first apply to tax years beginning on or after January 1, 2003.

3. Commerce, being the agency with primary authority for economic development in the state, recognizes that there is a verified need to attract, promote retain, and expand Wisconsin agricultural businesses. For example, over the past 50 years, Wisconsin has experienced an average of six dairy farms leaving production each day.

4. In the year 2001, state milk production declined by more than one billion pounds, resulting in a near 5% decline in milk production.

5. Western states have increased their cheese production, while Wisconsin experiences declining milk production and dairy processing activities; this program would immediately assist Wisconsin in regaining its prominence in dairy and dairy processing production.

6. The creation of this program combined with other economic development programs in the state is expected to increase the competitiveness of the Wisconsin dairy industry.

This emergency rule is being created in order that the process of designating an agricultural development zone be commenced as soon as possible and that such eligible businesses may become certified and participate in the tax benefits through the Agricultural Development Zone Program.

Publication Date: August 13, 2002
Effective Date: August 13, 2002
Expiration Date: January 10, 2003
Hearing Date: October 16, 2002

Corrections

Rules adopted amending **ch. DOC 316**, relating to medical, dental and nursing copayment charges.

Exemption from finding of emergency

The department of corrections adopts this emergency rule pursuant to the statutory requirements of 2001 Wis. Act 109. The Act provides, in relevant part:

“Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate the rules that are required under section 302.386 (4) (a) of the statutes relating to the deductible, coinsurance, copayment, or similar charge that must be imposed under section 302.386 (3) (b) of the statutes.”

and,

“Notwithstanding section 302.386 (3) (b) of the statutes, the rules shall require the department to require that, subject to the exception and waiver provisions under section 302.386 (3) (c) of the statutes, each person to whom section 302.386 (1) of the statutes applies pay a deductible, coinsurance, copayment, or similar charge of at least \$7.50 for each request that the person makes for medical or dental services.”

Currently, the department’s administrative rules provide for a \$2.50 copayment under such circumstances as described above. This emergency rule raises the copayment to \$7.50 as directed by 2001 Wis. Act 109.

In addition, pursuant to 2001 Wis. Act 109 the department makes no finding of emergency in promulgating this rule. 2001 Wis. Act 109 expressly exempts the department from the statutory requirements to do so.

Publication Date: September 3, 2002
Effective Date: September 3, 2002
Expiration Date: January 31, 2003
Hearing Date: November 18, 2002

Health and Family Services (Medical Assistance, Chs. HFS 100—)

Rules adopted creating **ch. HFS 109**, relating to SeniorCare.

Finding of emergency

The Department of Health and Family Services finds that an emergency exists and that the rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The high cost of prescription drugs in Wisconsin and nationwide are especially burdensome on the elderly, many of whom live on a fixed income. Through 2001 Act 16, Wisconsin has addressed the problem those increasingly high costs pose to the elderly by creating section 49.688 of the statutes. Section 49.688 directs the Department to develop and administer the program of prescription drug benefits for the elderly that has come to be known as “SeniorCare.” The statute also directs the Department to develop administrative

rules for implementing SeniorCare, which the Department has done by creating a new chapter of administrative rules, HFS 109. The rules address a variety of issues associated with operating the program in accordance with section 49.688, Stats., including specifying:

- what prescription drugs are covered;
- who is eligible for benefits and services;
- how the Department determines household income for the program’s eligibility determination;
- how the Department monitors compliance by pharmacists and pharmacies; and
- mechanisms for preventing fraud and abuse.

The Department drafted these rules to parallel the prescription drug provisions of the existing Medicaid rules in chs. HFS 101 to 108. The Department developed the program’s administrative elements in consultation with an advisory committee composed of representatives of physicians, counties, seniors and pharmacies.

While the Department is currently in the process of promulgating ch. HFS 109 as permanent rules, s. 49.688 (5) (a) and (7) (a), Stats., mandate the initiation of some SeniorCare program elements beginning on September 1, 2002. To meet this deadline, the Department is issuing ch. HFS 109 as emergency rules to preserve the public welfare.

Publication Date: September 1, 2002
Effective Date: September 1, 2002
Expiration Date: January 29, 2003
Hearing Date: October 10, 2002

Health and Family Services (Health, Chs. HFS 110—)

Rules adopted creating **s. HFS 115.04 (9) to (13)**, relating to screening newborn infants for congenital disorders.

Finding of emergency

The Department of Health and Family Services finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The early identification of particular congenital and metabolic disorders that are harmful or fatal to persons with the disorders is critical to mitigating the negative effects of such disorders. Therefore, Wisconsin Statute 253.13 requires that every infant born be subjected to blood tests for congenital and metabolic disorders, as specified in administrative rules promulgated by the Department. Parents, however, may refuse to have their infants screened for religious reasons. The Department has issued ch. HFS 115, Screening of Newborns for Congenital and Metabolic Disorders, to administer this statutory requirement. Currently, s. HFS 115.04 lists eight congenital and metabolic disorders for which the state hygiene laboratory must test newborn blood samples.

In determining whether to add or delete disorders from the list under s. HFS 115.04, s. HFS 115.06 directs the Department to seek the advice of persons who have expertise and experience with congenital and metabolic disorders. For this purpose, the Department established the Wisconsin Newborn Screening Umbrella Advisory Group. Section HFS 115.06 also lists six criteria on which the Department must base its decision to add to or delete disorders from s. HFS 115.04. These criteria are:

1. Characteristics of the specific disorder, including disease incidence, morbidity and mortality.

2. The availability of effective therapy and potential for successful treatment.

3. Characteristics of the test, including sensitivity, specificity, feasibility for mass screening and cost.

4. The availability of mechanisms for determining the effectiveness of test procedures.

5. Characteristics of the screening program, including the ability to collect and analyze specimens reliably and promptly, the ability to report test results quickly and accurately and the existence of adequate follow-up and management programs.

6. The expected benefits to children and society in relation to the risks and costs associated with testing for the specific condition.

In consideration of these criteria, the Wisconsin Newborn Screening Umbrella Advisory Group recently recommended that the Department add five aminoacidopathies, i.e., amino acid-related disorders, to the eight disorders currently screened for and listed in s. HFS 115.04. These disorders are:

- Maple Syrup Urine Disease;
- Homocystinuria;
- Tyrosinemia;
- Citrullinemia; and
- Argininosuccinic Acidemia.

Persons with these disorders can experience serious medical consequences such as failure-to-thrive, developmental delays, seizures, mental retardation and death.

The additional costs associated with these five additional screening tests is less than a dollar per baby screened because the amino acids in the blood sample are measured simultaneously with the acylcarnitines for Fatty Acid Oxidation and Organic Acidemias. In the absence of this screening, the Department estimates the annual Wisconsin costs for these disorders to be \$144,909. The Department also estimates the annual Wisconsin costs of this screening to be \$29,134. Therefore, the cost benefit from these five screening tests is \$115,775.

The Advisory Group also recommended that the Department immediately begin screening newborns for these additional disorders. Before this testing can begin, the Department must change its rules to add the five new disorders to the existing list under s. HFS 115.04. Permanent rules require six or more months to take effect. Collectively, these disorders occur, on average, once in every 30,000 births. Given an annual birthrate of about 68,000 in Wisconsin, delaying the effective date of these rules by six or more months may result in one to three persons being born with one of these five disorders and that fact escaping detection. To eliminate this possibility and ensure that newborn testing begins as soon as possible, the Department has chosen to promulgate this rule change on an emergency basis while the Department promulgates a permanent rule.

While the Department is currently in the process of promulgating these amendments to the permanent rules, the Department must implement these changes immediately to preserve the public health. Therefore, the Department is issuing these identical amendments as an emergency order.

Publication Date: October 12, 2002
Effective Date: October 12, 2002
Expiration Date: March 11, 2003
Hearing Date: December 17, 2002
 [See Notice this Register]

Natural Resources (4) (Fish, Game, etc., Chs. NR 1-)

1. Rules adopted revising **chs. NR 10 and 45**, relating to the control and management of chronic wasting disease.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD poses a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses.

Publication Date: July 3, 2002
Effective Date: July 3, 2002
Expiration Date: November 30, 2002
Hearing Date: August 12, 2002
Extension Through: April 1, 2003

2. Rules adopted revising **ch. NR 10**, relating to the 2002 migratory game bird season.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until mid-August of each year. This order is designed to bring the state hunting regulations to conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

Publication Date: August 30, 2002
Effective Date: August 30, 2002
Expiration Date: January 27, 2003
Hearing Date: September 26, 2002

3. Rules adopted repealing and recreating **s. NR 20.20 (49) (d) and (61) (c)**, relating to the closure of carp fishing on Cedar Lake and connected waters in Polk and St. Croix counties.

Finding of emergency

The Department of Natural Resources finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

Spring viremia of carp virus is of international animal health concern. The virus effects fishes in the minnow family in nature. Minnows are extremely important forage fish for many important sport fishes in Wisconsin and are also important to the bait and aquaculture industries. Assuring the health of minnow populations and preventing the spread to other waters is important in preserving the welfare of Wisconsin citizens by protecting popular and economically valuable sport and bait fisheries. Little is currently known

about the extent of the virus and until we can increase our knowledge, this closure will limit the potential spread from transport of fish and/or their parts and fluids.

Publication Date: October 3, 2002
Effective Date: October 3, 2002
Expiration Date: March 2, 2003
Hearing Date: November 11, 2002

4. Rules adopted amending s. NR 25.06 (1) (a) 1. to 3., relating to commercial fishing in Lake Superior.

Finding of emergency

The waters of Lake Superior were not part of the extensive off-reservation treaty rights litigation known as the Voigt case. The parties stipulated that the Lake Superior rights would be dealt with, to the extent possible, by agreement rather than litigation. This rule represents the implementation of the most recent negotiated amendments to the agreement between the State and the Red Cliff and Bad River Bands. These amendments incorporate the results of a new population estimate that was not available previously. In order to comply with the terms of the agreement, the State must change its quotas and commercial fishing regulations at the earliest possible date. Failure of the State to do so will not only deprive state fishers of increased harvest opportunities available under the agreement, but could also jeopardize the agreement, putting the entire Lake Superior fishery at risk of litigation.

Publication Date: November 1, 2002
Effective Date: November 1, 2002
Expiration Date: March 31, 2003
Hearing Date: December 13, 2002
 [See Notice this Register]

Nursing

Rules adopted creating s. N 4.10, relating to malpractice insurance coverage for nurse-midwives.

Exemption from finding of emergency

Under Section 13 of 2001 Wisconsin Act 52, the Board of Nursing is directed to use the procedure under s. 227.24, Stats., in promulgating the rules required under s. 441.15 (5) (b) of the statutes. Under that procedure, the Board of Nursing may promulgate this rule for the period before permanent rules become effective. The Board of Nursing need not provide evidence of the necessity of preservation of the public peace, health, safety, or welfare in promulgating this rule.

Analysis prepared by the Department of Regulation

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and ss. 441.15 (2) (c), 441.15 (3) (a) 3. and 411.15 (5), as created by 2001 Wisconsin Act 52, and s. 441.15 (3) (bm), as amended by 2001 Wisconsin Act 52.

Statutes interpreted: s. 441.15 (2) (c), 441.15 (3) (a) 3., 441.15 (3) (bm) and 441.15 (5) (b), Stats.

2001 Wisconsin Act 52 makes a number of changes to the provisions affecting nurse-midwives, including that licensed nurse-midwives carry malpractice insurance in an amount determined by rule to be promulgated by the Board of Nursing. This rule establishes those requirements relating to malpractice coverage for nurse-midwives.

Using the procedure under s. 227.24, Stats., the Board of Nursing will promulgate the rules as created by 2001

Wisconsin Act 52, for the period before permanent rules become effective.

Publication Date: November 5, 2002
Effective Date: November 5, 2002
Expiration Date: April 4, 2003

State Treasurer

Rules adopted creating ch. Treas 1 relating to the Wisconsin College Savings Program Board.

Exemption from finding of emergency

Section 15 (1), 2001 Wis. Act 7 provides an exemption from a finding of emergency for the adoption of ch. Treas 1.

Analysis prepared by the Office of the State Treasurer

Statutory authority: Section 14.64 (2) (e), Stats., and section 15, 2001 Wis. Act 7.

Statutes interpreted: s. 14.64 *et seq.*, Stats.

The Wisconsin College Savings Program Board establishes a rule for the operation of the College Savings Program. The rule is designed to grant flexibility to program participants wherever possible, while enabling the State and its private-sector partners to administer the program in a manner that protects the program's financial integrity and viability. Maintaining eligibility as a "qualified tuition program" pursuant to section 529 of the Internal Revenue Code [26 USC 529] is another primary objective. "529" programs are eligible for a number of federal tax benefits that are attractive to families saving for future college costs. Significant features of the rule are addressed below:

Sections Treas 1.03, 1.04 and 1.05 describe who may open an account and how to open an account. Section Treas 1.06 discusses designating a successor owner and describes how to change ownership of an account. Sections Treas 1.07 and 1.08 define the account beneficiary and how to change the beneficiary on an account.

Section Treas 1.09 details how to make contributions to an account, including minimum and maximum contribution limits, and how to "rollover" an account balance to another section 529 program. IRS requirements relating to investment direction are also detailed.

Sections Treas 1.11, 1.12 and 1.13 describe account withdrawals, distributions and refunds. Special circumstances are also provided for in these sections, such as the death or disability of the beneficiary or receipt of a scholarship by a beneficiary. Section Treas 1.14 sets forth conditions under which the Board may terminate an owner's account. Sections Treas 1.15 and 1.16 address related fees and penalties.

Publication Date: January 7, 2002
Effective Date: January 7, 2002
Expiration Date: See Section 15, 2001 Wis. Act 7
Hearing Date: March 5, 2002

Veterans Affairs

Rules adopted amending s. VA 12.02 (7) and (16), relating to the maximum loan amount under the personal loan program.

Finding of Emergency

The Department of Veterans Affairs finds that an emergency exists and that a rule is necessary for the

immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

The Department administers a personal loan program that may be used by veterans and their dependents for various statutory purposes. The purposes include debt consolidation, payment of delinquent child support, education expenses, and medical and funeral expenses, and the purchase of a mobile home or business property. The current maximum loan amount, set by the Department at sec. VA 12.02 (7), Wis. Adm. Code, is \$10,000. The permissible statutory maximum loan amount may be \$15,000, as set by the Department by administrative rule.

The Department proposes to raise the amount to the statutory maximum for several compelling reasons. Raising the maximum loan amount will help stimulate the economy by providing additional resources for veterans and their

families. Due to the state of the economy, veterans and their families have a significant need for financial assistance in the form of below market interest rate loans. Additionally, the personal loan program is the primary source of revenue for the veterans trust fund. Immediate infusion of additional assets in the form of personal loans will provide significant financial support for the trust fund. It is expected that increasing the maximum loan amount will result in approximately \$4,000,000 of new loan assets over the 8-month period in which it would take to promulgate this rule change using the regular promulgation procedure.

Publication Date: August 5, 2002

Effective Date: August 5, 2002

Expiration Date: January 2, 2003

Hearing Date: December 6, 2002

Scope statements

Administration

Subject

Rule affecting ch. Adm 19 relating to community development block grant housing.

Objective of the rule. The Department of Administration proposes to amend the rule to provide local units of government more opportunities in applying to Wisconsin's Small Cities Community Development Block Grant (CDBG) Program. The proposed rule will simplify the application process and will provide more flexibility in the use of the CDBG funds. This will help the state meet the Department of Housing and Urban Development requirements regarding the expenditure of funds in a timely manner.

Policy Analysis

In November 1991, the Department of Administration created Chapter Adm 19 to implement the Small Cities Community Development Block Grant for Housing. The intervening years and changes in the housing and economic needs within the state have served to render ch. Adm 19 inadequate to address the state's changing housing needs. DOA proposes to modify the rule to more cost effectively allow non-metropolitan Wisconsin communities successfully respond to local housing needs. The proposed changes will improve flexibility in the use of the CDBG funds, improve the timeliness of the program, and enable municipalities to address the state rehabilitation needs more efficiently. The proposed changes will further the goal of providing improved housing conditions for low-income households.

Statutory authority

Sections 16.004 (1), 16.358 (2), and 227.11, Stats.

Staff time required

The Department of Administration estimates 30 hours to promulgate this rule.

Corrections

Subject

Rule amendment to update ch. DOC 324, relating to work and study release.

Objective of the rule. These rules have not been updated since 1997. The department of corrections has changed considerably in a variety of ways in the last five years and the department is compelled to propose updates to the rules to reflect current law as well as current departmental needs.

Policy Analysis

After review, the proposed rule would make necessary changes in light of any relevant statutory updates as well as changes upon evaluation of the rule's current effectiveness. Specific changes and affected policies are unknown at this time. Review of this rule is part of the Department's ongoing effort to continually update administrative code for maximum accuracy and effectiveness.

Statutory authority

Sections 227.11 (2) (a), 301.02, 301.03, and 303.065 (2), Stats.

Staff time required

It is anticipated that 60 hours of staff time may be necessary to review and revise the administrative rule, including drafting, cost estimates, public hearings and complying with rule making requirements. Other than staff time, it is anticipated that the resources to develop the rule will be minimal.

Corrections

Subject

Rule amendment to update ch. DOC 325, relating to temporary release under supervision.

Objective of the rule. These rules have not been updated since 1997. The department of corrections has changed considerably in a variety of ways in the last five years and the department is compelled to propose updates to the rules to reflect current law as well as current departmental needs.

Policy Analysis

After review, the proposed rule would make necessary changes in light of any relevant statutory updates as well as changes upon evaluation of the rule's current effectiveness. Specific changes and affected policies are unknown at this time. Review of this rule is part of the Department's ongoing effort to continually update administrative code for maximum accuracy and effectiveness.

Statutory authority

Sections 227.11 (2) (a), 301.02, 301.03, 302.15 and 304.115, Stats.

Staff time required

It is anticipated that 60 hours of staff time may be necessary to review and revise the administrative rule, including drafting, cost estimates, public hearings and complying with rule making requirements. Other than staff time, it is anticipated that the resources to develop the rule will be minimal.

Corrections

Subject

Rule amendment to update ch. DOC 326, relating to leave for qualified inmates.

Objective of the rule. These rules have not been updated since their creation in 1997. The department of corrections has changed considerably in a variety of ways in the last five years and the department is compelled to propose updates to the rules to reflect current law as well as current departmental needs.

Policy Analysis

After review, the proposed rule would make necessary changes in light of any relevant statutory updates as well as changes upon evaluation of the rule's current effectiveness.

Specific changes and affected policies are unknown at this time. Review of this rule is part of the Department's ongoing effort to continually update administrative code for maximum accuracy and effectiveness.

Statutory authority

Sections 227.11 (2) (a), 301.02, 301.03, 303.068 (5), Stats.

Staff time required

It is anticipated that 60 hours of staff time may be necessary to review and revise the administrative rule, including drafting, cost estimates, public hearings and complying with rule making requirements. Other than staff time, it is anticipated that the resources to develop the rule will be minimal.

Employee Trust Funds

Subject

Wisconsin Administrative Code ss. ETF 20.14, 20.15, 20.16 and 20.18 relate to buying creditable service in the Wisconsin Retirement System (WRS). The proposed rulemaking would amend these rules to reflect both policy changes and changes in Wisconsin statutes that are necessary as a result of the federal Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). The proposed rulemaking will also make the necessary corrections to the statutory cross-references and delete provisions in the current rules that are obsolete due to other statutory revisions.

Objective of the rule. The proposed amendments would result in the rules governing WRS service purchases being updated to reflect changes in state and federal laws.

Policy Analysis

The current WRS service purchase rules have been based on the laws and policies in effect at the time that the rules were promulgated. Over time there have been changes in federal and state laws, and the rules must be amended to reflect changes in laws and policies.

Policy Alternatives to the Proposed Rule

The alternative to promulgating this rule would be that the rules governing WRS service purchases would be in conflict with state and federal laws.

Statutory authority

Sections 40.03 (1) (m), (2) (i), (7) (d), and (8) (d), and 40.25 (6) (a) 3. and (7) (a) 5., Stats.

Staff time required

The Department estimates that state employees will spend 50 hours developing this rule.

Health and Family Services

Subject

The Department proposes to create a new chapter of administrative rules, ch. HFS 2, that addresses the Department's ability to recoup overpayments the Department inadvertently and inappropriately made to recipients of Department program benefits.

Policy Analysis

Under s. 16.51 (4), Stats., the Department of Administration is responsible for the collection of all monies due the state. In the State Accounting Manual, the

Department of Administration has, in turn, assigned to each State agency the responsibility to establish and document internal procedures to assure that all accounts are recorded, billed and collected or written-off in an efficient and timely manner. This includes the return of benefits that were overpaid to recipients.

To date, the Department of Health and Family Services has relied on its written overpayment policy for its collection procedures. Although the Department may recover overpayments due the state, a court found with respect to one of the Department's benefit programs that the Department could not administratively recoup overpayments by offsetting a future benefit check without promulgating its procedure for doing so as an administrative rule if the statute did not specifically authorize the recoupment. Therefore, the Department is proposing to promulgate its procedure for recouping overpayments as ch. HFS 2.

Statutory authority

The Department's authority to promulgate these rules is under section 227.11 (2) (a), Stats., which authorizes the Department to promulgate rules interpreting the provisions of any statute enforced or administered by it, if the Department considers it necessary to bring about the purpose of the statute.

Staff time required

The Department estimates it will take about 20 hours of staff time to draft the proposed rule.

Health and Family Services

Subject

The Department proposes to modify ch. HFS 163, the rules governing certification for the identification, removal and reduction of lead-based paint hazards. The modification will allow the Department to continue administering a state-specific lead training and certification program in lieu of a program administered by the U.S. Environmental Protection Agency (EPA). To continue its federal authorization to administer the program, Wisconsin must operate a program that is as protective as the lead training and certification programs administered by the EPA. The proposed rule modifications are necessary to bring Wisconsin's rules relating to lead clearance levels and definitions of a lead-based paint hazard and soil-lead hazard into compliance with EPA regulations at 42 CFR Part 745, Subpart D, published January 5, 2001.

Specifically, the Department anticipates proposing to modify the following rules:

1. Section HFS 163.14 (5) (c) 8. specifies that, following lead abatement, a window well or trough may contain no more than 800 micrograms of lead dust per square foot. The EPA regulations specify a maximum level of 400 micrograms per square foot. To comply with federal regulations, the Department will propose to reduce the acceptable threshold to 400 micrograms per square foot.

2. Section HFS 163.15 (2) specifies that a lead hazard is present in soil when the arithmetic mean for laboratory results for samples of bare soil is equal to or greater than 2,000 parts per million. The EPA regulations state that a lead hazard is present in soil when bare soil in a play area contains total lead equal to or exceeding 400 parts per million or bare soil in the rest of the yard contains an average of 1,200 parts per million of lead. To comply with the federal regulations, the Department will propose to reduce the acceptable threshold to that specified by the EPA.

3. The Department will also propose to revise its standards for lead-safe property under s. HFS 163.42 (1) (f) and (j) to reflect these lower levels for lead in dust and soil.

4. Finally, the Department may also clarify or revise lead investigation protocols expressed in the rule if further Department analysis of EPA regulations indicates needing to do so.

Policy Analysis

The presence of lead in soil contributes to the level of lead found in the blood of persons living in the area of the soil. Although the source of lead in soil generally cannot be determined, one possible source is deteriorating exterior paint. Soil-lead is not a hazard when the soil is covered. The covering may be a permeable material, such as grass, flowers, shrubs and landscaping materials, or it may be impermeable, such as concrete or asphalt. In Wisconsin, most soil is covered or contains lead below EPA's allowable level for what constitutes a soil-lead hazard, but some property owners may need to cover bare soil before the property is free of lead-based paint hazards.

The current lead-safe property standards expressed under s. HFS 163.42 allow a higher level of lead dust in window troughs than that expressed in corresponding EPA regulations and do not require properties to be free of soil-lead hazards. If the Department adopts standards at least as restrictive as those expressed in EPA regulations, persons removing lead-based paint hazards may need to clean window troughs more thoroughly to reduce the dust-lead levels and may need to cover bare soil.

Even though the Department's current rules specify maximum allowable clearance levels and definitions of soil lead hazards that are less stringent than those expressed in EPA regulations, many lead investigation professionals in Wisconsin currently perform lead investigation work in conformance with the more stringent lead levels specified in EPA's regulations to ensure a more protective environment for residents, especially when conducting clearance following abatement activities. Conformance with the lower acceptable levels of lead and stricter definition of soil-lead specified in the EPA regulations also occurs when lead hazard reduction work uses federal funds. Since most lead investigation professionals already use the more protective EPA standards, the proposed rule revisions should have little effect on persons conducting lead investigation or abatement activities.

Statutory authority

Under ch. 254, Stats., the Department is charged with developing and implementing a comprehensive statewide lead poisoning prevention and treatment program. The Department has specific authority to make these rule amendments under ss. 254.167, 172 (1), 254.179 (1) (a) and (2), Stats. Section 254.167, Stats., authorizes the Department to promulgate rules establishing procedures for conducting lead investigations. Section 254.172 (1), Stats., authorizes the Department to develop rules governing lead hazard reduction the Department determines are consistent with federal law. Section 254.179 (1) (a), Stats., directs the Department to promulgate as rules standards for a premises, dwelling or unit of a dwelling that must be met for issuance to the owner of the premises, dwelling or unit of a dwelling of a certificate of lead-free status or a certificate of lead-safe status, with the goal of long-term lead hazard reduction. Section 254.179 (2), Stats., directs the Department to review the rules under s. 254.179 (1), Stats., every two years and to promulgate changes to the rules, if necessary, in order to maintain consistency with federal law.

Staff time required

The Department estimates that it will expend about 40 hours of staff time to meet with the Lead Technical Advisory Committee required under s. 254.174, Stats., draft a rulemaking order, conduct a public hearing on the initial proposed rules and perform related rule promulgating activities.

Health and Family Services

Subject

The Department proposes to modify chapter HFS 172, the rules regulating safety, maintenance and operation of public swimming pools. The purpose of the proposed rulemaking is to adapt to and reflect in the rule advances in pool design and maintenance and industry practices.

Policy Analysis

Under the authority of s. 254.47, Stats., the Department, or a local health department granted agent status by the Department, regulates the operation of all public swimming pools in the state. The Department's regulatory oversight is to ensure that public swimming pools maintain operating practices that maintain the public's health. The public's health is maintained at public swimming pools to the extent that the public does not contract waterborne illnesses at pools. Waterborne illnesses result from unsanitary pool conditions or malfunctioning pool equipment, which, in turn, are normally a result of poor pool maintenance practices.

Under its statutory authority, the Department promulgated ch. HFS 172 to administer and enforce its regulatory activities. The Department has not significantly modified ch. HFS 172 since 1989. Since then, pool and spa industry practices have evolved. In response, the Department has, over the past several years, issued policies that interpret the existing ch. HFS 172 in an attempt to adapt to and reflect advances in pool design and maintenance and industry practices. The Department proposes to change the existing rule to incorporate these policies and others deemed appropriate by a committee of industry and regulatory personnel that has been convened by the Department. By reflecting and incorporating new pool equipment technologies into ch. HFS 172, the Department hopes that one desirable outcome will be to provide pool operators with more options to meet the Department standards for public swimming pools or spas.

The Department anticipates that its initial proposed rules will promote public safety through the following:

1. Establishing educational and updated equipment standards, including the requirement that all pool operators attend a nationally sponsored certification program every five years. The purpose of the standards would be to ensure that all licensed public swimming pools or spas have an operator who is knowledgeable about the diseases transmittable in pools or spas, the proper maintenance of pool or spa equipment, and the proper use of pool chemicals to sanitize and destroy pathogenic organisms.

2. Requiring pool operators to register with the Department every five years.

3. Incorporating the ability of pool operators to use recent pool equipment technologies, such as the use of oxidative reduction potential (ORP) to measure the disinfectant level in a pool as an alternative to the traditional parts per million (ppm) measurement.

4. Incorporating the recommendations of the federal Centers for Disease Control regarding actions pool operators should take when fecal accidents occur in pools.

The proposed rules will also add provisions and fees corresponding to new Department policies and interpretations associated with the inspection of waterslides and water attractions and will define new terms associated with the preceding changes.

Statutory authority

Statutory authority to promulgate ch. HFS 172 rules relating to the safety, maintenance and operation of public swimming pools is found in ss. 227.11 (2), 250.04 (1) and (7) and 254.47, Stats.

Staff time required

The Department estimates that the work associated with preparing a proposed rulemaking order will require approximately 500 hours of staff time over one-year to convene and conduct meetings of the advisory rule committee and prepare the rulemaking order and fiscal estimate.

Transportation

Subject

Objective of the rule. This rule making will amend ch. Trans 2, relating to the elderly and disabled transportation capital assistance program, by changing the Section 5310 grant cycle from a one-year cycle to a two-year cycle.

Policy Analysis

Currently, the rule outlines a one-year grant program cycle and assigns point values for the application evaluation criteria. Applications are due the first Monday in February. Applicants must publish notice of intent to apply in local newspapers. They must also notify the appropriate local government agencies. An evaluation team scores the applications and grants are awarded to the highest scoring applicants until the funds are distributed. The procurement of vehicles is done on an annual basis to coincide with the grant program cycle.

The proposed policy change will replace the existing one-year grant program cycle with a two-year grant program

cycle. Applicants will apply for grants based on needs projected for two years rather than one. The process will remain the same except that it will not be repeated each year. As the application process is very time consuming and labor intensive for both the applicant and the Department, this will prove more efficient for both. In addition, the Department will be able to negotiate better prices on vehicles as we will be purchasing a greater quantity at one time. The proposed policy change will also remove the point values for the application evaluation criteria. The criteria will remain the same, however, the Department will now have greater flexibility in weighting the criteria each application cycle based on the current transportation trends and needs. The criteria, along with available points, will continue to be included in the application so that the applicant knows in advance the weight of each question. In addition, certain documentation that is currently weighted is already an application requirement; without it, the application would not be evaluated. Scoring will be based on the unique component of each application, not the required elements that will be the same for all applications.

The policy alternatives are to maintain the existing one-year grant program cycle with the assigned scoring or to move to a two-year cycle with flexible scoring. The existing cycle is time consuming and labor intensive for all stakeholders and may prohibit the Department from obtaining the best prices on vehicles. Since the Department pays 80% of the vehicle and the grantee pays 20%, this affects both the Department's and grantees' budgets. Adopting a two-year cycle will result in time and cost savings for both the grantees and the Department. In addition, the existing scoring does not allow the Department to determine the importance of each question based on current trends and transportation needs.

Statutory authority

Section 85.22, Stats.

Staff time required

80 hours.

Submittal of rules to legislative council clearinghouse

Please check the Bulletin of Proceedings – Administrative Rules for further information on a particular rule.

Educational Approval Board

Rule Submittal Date

On November 8, 2002, the Educational Approval Board submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 45.54 (2), (3) and 227.11 (2), Stats.

The proposed rule-making order revises chs. EAB 1, 3, 4, 7, 8, 10 and 11, relating to the regulation of for-profit postsecondary schools; out-of-state, non-profit colleges and universities; and in-state, non-profit institutions incorporated after 1991.

Agency Procedure for Promulgation

A public hearing will be held.

Contact Person

Ron Sklansky
(608) 267-7733

Health and Family Services

Rule Submittal Date

On November 11, 2002, the Department of Health and Family Services submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 253.13 (1) and 227.11 (2) (a), Stats.

The proposed rule-making order revises ch. HFS 115, relating to newborn screening.

Agency Procedure for Promulgation

Public hearings under ss. 227.16, 227.17 and 227.18, Stats.; approval of rules in final draft form by the DHFS Secretary; and legislative standing committee review under s. 227.19, Stats.

Contact Person

Susan Uttech
(608) 267-3561

Workforce Development

Rule Submittal Date

On November 13, 2002, the Department of Workforce Development submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 108.14 (2) and 227.11, Stats. and 2001 Wis. Act 35, section 72 (2) (a).

The proposed rules affect S. DWD 100.02 (28), relating to unemployment insurance availability.

Agency Procedure for Promulgation

Public hearings are required and will be held on December 17, 18 and 19, 2002.

The organizational unit responsible for the promulgation of the proposed rules is the DWD Unemployment Insurance Division.

Contact Person

Tom Smith, UI Research Attorney
(608) 266-9641
Email: tom.smith@dwd.state.wi.us

Rule-making notices

Notice of Hearing

Educational Approval Board [CR 02-135]

NOTICE IS HEREBY GIVEN that pursuant to ss. 45.54 (2) and (3), and 227.11 (2), Stats., and interpreting s. 45.54 (2), (3), (7) and (10), Stats., the Wisconsin Educational Approval Board will hold a public hearing at the time and place indicated below to consider an order relating to the regulation of for-profit postsecondary schools; out-of-state, non-profit colleges and universities; and in-state, non-profit institutions incorporated after 1991.

Hearing Information

The public hearing will be held:

Tuesday, December 17, 2002 at 1:30 p.m.

8th Floor Board Conference Room

Department of Veterans Affairs

30 W. Mifflin Street

Madison, Wisconsin

Interested persons are invited to present information at the hearing. Persons appearing may provide oral testimony but are urged to submit facts, opinions and argument in writing. Written commentary may also be submitted without making a personal appearance by mail addressed to the Educational Approval Board, 30 W. Mifflin Street, P.O. Box 8696, Madison, WI 53708. Written comments must be received by December 19, 2002 to be included in the official record of rule-making proceedings.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the EAB at 608/266-1996 at least ten days prior to the hearing so that necessary arrangements can be made.

Analysis prepared by the Educational Approval Board

- Create a definition of a “recognized accrediting body”.

Accreditation is a formal status granted to an institution meeting or exceeding state educational criteria. The purposes of accreditation are to assess and enhance consistency in institutional operations, promote improvement, and provide for public accountability. There are presently hundreds of different accrediting agencies. However, the U.S. Department of Education (ED) recognizes only certain regional, national, and specialized accrediting agencies to serve as reliable authorities as to the quality of educational institutions. The proposed rule defines an accrediting body as those recognized by the ED.

- Amend the definition of a “school” so that it is consistent with its statutory usage.
- Amend the definition of a “sponsor” to include a government agency.

Many EAB-approved schools enroll individuals who received funding from government agencies, such as the state Department of Workforce Development and the U.S. Department of Education. These sponsors provide assistance through worker retraining grants, vocational rehabilitation funding, and federal student financial aid, among others. The proposed rule amends the current definition of a sponsor to include a government agency.

- Create a definition of a “teach-out”. The proposed rule defines a teach-out, a term that refers to the completion of an

EAB-approved program in which a student enrolled. Typically, a teach-out is used to fulfill the promises made to students when a school closes or does not fulfill its contractual obligations to provide certain education or training services.

- Amend board-operating procedures.

The procedures for conducting board meetings are presently identified in rule. In the absence of a specific rule provision, Roberts Rules of Order apply. This proposed rule would give the board the authority to adopt by resolution alternative procedures regarding the manner in which business is conducted, so long as they do not conflict with the rules of Roberts Rules of Order. In addition, the proposed rule would allow board members to participate in board meetings via teleconference or videoconference.

- Clarify the delegation of board responsibilities to staff.

The Educational Approval Board is a seven-member policy-making body whose purpose is to protect the general public by inspecting and approving certain schools doing business within the state. Under current law, the board employs an executive secretary that is charged with performing the administrative functions of the board. This provision is intended to clarify that the board has delegated the executive secretary to perform the board’s administrative functions.

- Create a set of intermediate sanctions that the EAB can place upon a school for regulatory violations.

Under current administrative rule, the EAB’s authority is restricted to granting, denying, or revoking the approval of a school. While these actions are appropriate for serious school violations, the EAB lacks the ability to address school violations that do not necessarily warrant denying or revoking the school’s approval. By creating intermediate sanctions, the EAB would have additional options for dealing with schools that are non-compliant. The proposed rule would allow the board to: [1] require the submission and implementation of a school improvement plan to address or correct problems identified by the board; [2] suspend the enrollment of students for one or more of the approved programs offered by the school; and, [3] impose a fine on the school, not to exceed \$500 per day. The board would also be able to issue a cease and desist order to any school that operates without proper approval.

- Create a provision allowing the board to waive second payment renewal fees in certain instances.

As a cost efficiency measure, the proposed rule will allow the EAB to waive annual renewal fees that are less than \$50.

- Clarify that a hearing requested by a school regarding a board action would pertain to either a denial or revocation of approval and would be before an administrative law judge.

The proposed rule makes it explicit that the board has the ability to deny an initial request for school approval, clarifies that a school may request a hearing before the board to contest a decision to deny or revoke school approval, and that any appeal of a board decision would be before an administrative law judge. In addition, the rule specifies the manner in which the board is required to provide notice of such actions.

- Create a provision that requires schools to have a minimum surety bond.

The proposed rule will require schools to have a \$10,000 minimum surety bond. Several years ago, the need for a minimum bond of \$25,000 was eliminated and the current provision to set a bond based on a school’s unearned tuition

was substituted. The current provision works well for established schools which have unearned tuition. However, in the case of a new school seeking board approval, the current method of determining an appropriate bond level does not work well. Because there is no "history" of unearned tuition, staff must rely on enrollment and revenue projections. It can be a year or more before reliable data is available to know if the bond is set at an appropriate level.

- Allow the board to use a surety bond on which it collects for a teach-out.

The proposed rule would allow the board to use bond proceeds to contract with a provider to teach-out students affected by a school that cannot fulfill its obligations to provide certain education or training services. This authority would help to ensure that a student completes the education or training that they had initially intended to attain.

- Amend the retention of records by schools.

Under current rule, a school only needs to retain student records for 6 years after graduation or the last date of enrollment. This provision clarifies that a school must keep student transcripts indefinitely.

- Create a provision for the retention of closed school records by the board.

In certain situations, the board has become the custodian of student records (e.g., when a school closes and the board secures them to ensure their safekeeping). This provision specifies that the student records in the possession of the board are to be maintained in accordance with retention and disposition authorization procedures established by the state records board and the federal family educational rights and privacy act (FERPA) of 1974.

- Amend the refund provisions pertaining to partial refunds.

Under current rules, there are no provisions that address refunds to students who withdraw or are dismissed prior to beginning classes. This rule clarifies that students who have not started classes are entitled to a partial refund, as determined by rule. In addition, to facilitate refund determinations involving students who stop attending classes but fail to inform the school, the proposed rule will require all schools to have a constructive notice of an intention to withdraw policy. This provision was (inadvertently) eliminated when the rule was last revised.

- Create specific provisions regarding the regulation of distance learning.

Section 45.54 (2), Stats., states that the purpose of the educational approval board is to protect the general public by "approving schools...doing business within the state whether located within or outside this state..." Further, s. EAB 4.01 (1) states, "[a] school shall not operate, conduct business, offer any programs, advertise or enroll students unless it has been approved or determined to be exempt." Clearly, out-of-state, on-line schools offering programs via distance learning to Wisconsin residents are subject to EAB oversight and regulation.

The educational approval board's current regulatory framework and fee structure for initial school approval was based on an assumption that out-of-state schools delivered programs to classes of students at specific Wisconsin locations. With distance learning via the Internet, delivery is no longer place specific and a new fee structure must reflect this new reality.

Through distance learning, schools can now offer programs in all 50 states and have no physical presence. As in the traditional school model, online schools make money by enrolling classes of students, but those classes are no longer tied to a location. For example, an online class can literally consist of 20 students in 20 different states. Based on

the EAB's current fee structure, it can be cost prohibitive for schools to be approved to offer online courses in Wisconsin.

Confronted with this reality, an online school will choose to either not operate in the state or ignore the approval requirements. While a school that chooses not to operate in the state ultimately limits the educational opportunities available to Wisconsin residents, a school that ignores the need for approval sets in motion an enforcement effort that is legally complex, expensive, and time consuming.

Under current rule, a school meeting certain conditions may be granted a fee reduction. While this fee reduction might provide some relief, it is not an effective way to deal with the issue presented by distance learning providers. Moreover, the fee reduction was intended to address larger, traditional institutions.

The EAB seeks to address the reality of distance learning by more fairly regulating online schools, while maintaining adequate oversight. An initial school approval fee that recognizes the unique characteristics associated with online instruction will help encourage providers to have their online programs approved in Wisconsin. As required under s. 45.54 (10) (c), Stats., the new fee structure would need to be sufficient to cover the costs incurred by the EAB to approve the school.

- The rule makes changes to correct erroneous technical information and inconsistent references to other provisions.

During the last rule update, a number of references were inadvertently amended to reference erroneous provisions. The proposed rule amends those provisions to correct these errors.

Fiscal Estimate

This rule has no fiscal effect.

Initial Regulatory Flexibility Analysis

The proposed rule relates to small businesses that operate as private postsecondary schools. In general, the rule clarifies and updates existing rule provisions. Therefore, it has been determined that this rule will not significantly affect the administrative functions or the professional skills required in order to comply with the rule.

Copies of the Rule and Contact Person

Copies of this proposed rule are available without cost upon request to:

Blanca James
Educational Approval Board
30 W. Mifflin Street, 9th Floor
P.O. Box 8696
Madison, Wisconsin 53708

Questions regarding the rule should be directed to David Dies at 608/267-7733.

Notice of Hearing

Health and Family Services (Health – Chs. HFS 110–)

[CR 02–136]

Notice is hereby given that, pursuant to s. 253.13 (1), Stats., the Department of Health and Family Services will hold a public hearing to consider both the emergency rules and proposed permanent rules creating s. HFS 115.04 (9) to (13), Wis. Admin. Code, relating to screening of newborns' blood for congenital and metabolic disorders.

Hearing Information

The public hearing will be held:

Tuesday, December 17, 2002 at 2:00 p.m.
Conference Room B139
State Office Building
1 West Wilson Street
Madison, WI

The hearing site is fully accessible to people with disabilities. Parking for people with disabilities is available in the parking lot behind the building, in the Monona Terrace Convention Center Parking Ramp or in the Doty Street Parking Ramp. People with disabilities may enter the building directly from the parking lot at the west end of the building or from Wilson Street through the side entrance at the east end of the building.

Analysis Prepared by the Department of Health and Family Services

The early identification of particular congenital and metabolic disorders that are harmful or fatal to persons with the disorders is critical to mitigating the negative effects of such disorders. Therefore, s. 253.13, Stats., requires that every infant born be subjected to blood tests for congenital and metabolic disorders, as specified in administrative rules promulgated by the Department. Parents, however, may refuse to have their infants screened for religious reasons. The Department has issued ch. HFS 115, Screening of Newborns for Congenital and Metabolic Disorders, to administer this statutory requirement. Currently, s. HFS 115.04 lists eight congenital and metabolic disorders for which the state hygiene laboratory must test newborn blood samples.

In determining whether to add or delete disorders from the list under ss. HFS 115.04 and 115.06 directs the Department to seek the advice of persons who have expertise and experience with congenital and metabolic disorders. For this purpose, the Department established the Wisconsin Newborn Screening Umbrella Advisory Group. Section HFS 115.06 also lists six criteria on which the Department must base its decision to add to or delete disorders from s. HFS 115.04. These criteria are:

1. Characteristics of the specific disorder, including disease incidence, morbidity and mortality.
2. The availability of effective therapy and potential for successful treatment.
3. Characteristics of the test, including sensitivity, specificity, feasibility for mass screening and cost.
4. The availability of mechanisms for determining the effectiveness of test procedures.
5. Characteristics of the screening program, including the ability to collect and analyze specimens reliably and promptly, the ability to report test results quickly and accurately and the existence of adequate follow-up and management programs.
6. The expected benefits to children and society in relation to the risks and costs associated with testing for the specific condition.

In consideration of these criteria, the Wisconsin Newborn Screening Umbrella Advisory Group recently recommended that the Department add five aminoacidopathies, i.e., amino acid-related disorders, to the eight disorders currently screened for and listed in s. HFS 115.04. These disorders are:

- Maple Syrup Urine Disease;
- Homocystinuria;
- Tyrosinemia;
- Citrullinemia; and
- Argininosuccinic Acidemia.

Persons with these disorders can experience serious medical consequences such as failure-to-thrive, developmental delays, seizures, mental retardation and death.

The additional costs associated with these five additional screening tests is less than a dollar per baby screened because the amino acids in the blood sample are measured simultaneously with the acylcarnitines for Fatty Acid Oxidation and Organic Acidemias. In the absence of this screening, the Department estimates the annual Wisconsin costs for these disorders to be \$144,909. The Department also estimates the annual Wisconsin costs of this screening to be

\$29,134. Therefore, the cost benefit from these five screening tests is \$115,775.

The Advisory Group also recommended that the Department immediately begin screening newborns for these additional disorders. Before this testing can begin, the Department must change its rules to add the five new disorders to the existing list under s. HFS 115.04. Therefore, the Department issued identical emergency rules that became effective on October 12, 2002. These proposed permanent rules are intended to replace the emergency rules currently in effect.

Fiscal Estimate

This rule change adds 5 amino acid-related disorders to the 8 disorders currently screened for under s. HSS. 115.04. Minimal additional laboratory resources are needed because the amino acids are measured simultaneously with the acylcarnitines for Fatty Acid Oxidation and Organic Acidemias. The additional costs to screen for aminoacidopathies is less than \$1.00 per specimen. Therefore, there is no anticipated increase in the surcharge during the proposed five-year pilot phase of adding these tests. The annual Wisconsin costs due to implementation of screening will total approximately \$29,000 and will be absorbed by the current lab and surcharge funds.

The Department anticipates a \$115,000 savings with early diagnosed and treated patients because they will require less hospitalization and other medical care.

Initial Regulatory Flexibility Analysis

The rule changes will not affect small businesses as "small business" is defined in s. 227.114 (1) (a), Stats.

Contact Information

The initial proposed rules upon which the Department is soliciting comments and which will be the subject of this hearing are posted at the Department's administrative rules website at: http://www.dhfs.state.wi.us/News/Rules/Proposed_Final_Rules/Proposed_Rule_Index.htm. To find out more about the hearing, or to comment on the proposed rule, please write or phone:

Sonja Blihovde
Division of Public Health
Family Health Section
P.O. Box 2659, Madison, WI 53701-2559
Ph. 608-267-7148 or,
if you are hearing impaired,
1-800-947-3524 (TTY)
Fax 608-267-3824
blihosj@dhfs.state.wi.us

If you are hearing or visually impaired, do not speak English, or have other personal circumstances which might make communication at the hearing difficult and if you, therefore, require an interpreter, or a non-English, large print or taped version of the hearing document, contact the person at the address or phone number above. A person requesting a non-English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written comments on the proposed rule received at the above address no later than Wednesday, December 20, 2002, will be given the same consideration as testimony presented at the hearing.

Notice of Hearing

Natural Resources (Fish, Game, etc.)

NOTICE IS HEREBY GIVEN that pursuant to ss. ss. 29.014 (1), 29.041, 29.519 (1) (b), 227.11 (2) (a) and 227.24, Stats., interpreting ss. 29.014 (1), 29.041 and 29.519 (1) (b),

Stats., the Department of Natural Resources will hold a public hearing on Natural Resources Board Emergency Order No. FH-47-02(E) relating to commercial and home use fishing for lake trout in Lake Superior. This emergency order took effect on November 1, 2002. This emergency order revised the allocation of lake trout among home use and non-Indian commercial fishers and the Red Cliff and Bad River bands.

The harvest of lake trout from Wisconsin waters of Lake Superior is guided by the 1995 State-Tribal Lake Superior Agreement among the Department and the Red Cliff and Bad River Bands of Lake Superior Chippewa. Wisconsin waters of Lake Superior are divided into two management areas, W-1 and W-2. The agreement was recently amended to change the allowable harvest of lake trout. The harvest limit for W-1 will remain at 14,500. In W-2, the harvest limit will be increased from 89,900 to 112,100.

Hearing Information

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

Friday, December 13, 2002 at 10:00 a.m.

Room 511, GEF #2
101 South Webster Street
Madison

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call William Horns at (608) 266-8782 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

The department does not expect these revisions to have a fiscal impact at the state or local level.

Contact Information

Written comments on the emergency rule may be submitted to Mr. William Horns, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than December 20, 2002. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the emergency rule [FH-47-02E] may be obtained from Mr. Horns.

Notice of Hearings

Natural Resources (Environmental Protection-General Environmental Protection-Water Supply) [CR 02-134]

NOTICE IS HEREBY GIVEN that pursuant to ss. 160.21, 160.257, 280.11 (1), 281.11, 281.12 (1) and 281.17 (8), Stats., interpreting s. 160.257, Stats., the Department of Natural Resources will hold public hearings on revisions to ss. NR 140.05, 140.22, 811.02 and 811.87, Wis. Adm. Code, relating to groundwater quality standards and the development of an aquifer storage recovery (ASR) well or the operation of an ASR system by a municipal water utility. The Natural Resources Board recently adopted revisions to ch. NR 811 that establish design and management criteria for aquifer storage and recovery (ASR) systems. Chapter 160, Stats., has been revised to create s. 160.257, Stats., which establishes a point of standards application around ASR wells for chloroform, bromodichloromethane, dibromochloromethane and bromoform groundwater quality standards. This point of standards application is 1,200 feet from an ASR well and at any other well located within 1,200 feet of an ASR well.

Amendments are proposed to ch. NR 140 to incorporate the chloroform, bromodichloro-methane, dibromochloromethane and bromoform points of standards application for ASR wells established under s. 160.257, Stats., and to establish an ASR system design management zone at the same distance from an ASR well as the system displacement zone (aquifer storage zone) allowed under ch. NR 811. Amendments are proposed to ch. NR 811 to allow an ASR system displacement zone to extend to a maximum distance of 1,200 feet from an ASR well.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on:

Friday, December 13, 2002 at 11:00 a.m.

Green Bay State Office Building
Room 152A
200 North Jefferson
Green Bay

Monday, December 16, 2002 at 11:00 a.m.

Common Council Chambers
Oak Creek City Hall
8640 South Howell Ave.,
Oak Creek

Tuesday, December 17, 2002 at 1:30 p.m.

DNR Customer Service Licensing Conference Room
3rd floor, GEF #3
125 S. Webster Street
Madison

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call William Phelps at (608) 267-7619 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Estimate

ASR systems must be designed and operated to comply with state groundwater quality standards applicable points of application and monitoring may be required to confirm compliance. The department does not anticipate significant additional costs to the regulated community associated with these rule revisions. Any additional monitoring costs to the regulated community should be minimal and the workload of state regulatory agencies should also not change substantially. The department believes that it is unlikely that there will be significant additional costs to state and local governments resulting from adoption of these rule revisions.

Contact Information

Written comment on the proposed rule may be submitted to Mr. William Phelps, Bureau of Drinking Water and Groundwater, P.O. Box 7921, Madison, WI 53707 no later than December 20, 2002. Written comments will have the

same weight and effect as oral statements presented at the hearings. A copy of the proposed rule [DG-44-02] and fiscal estimate may be obtained from Mr. Phelps.

Notice of Hearing

Natural Resources (Environmental Protection-Water Regulation) [CR 02-048]

NOTICE IS HEREBY GIVEN that pursuant to ss. 31.385 (1m) and 227.11 (2) (a), Stats., interpreting s. 31.385, Stats., the Department of Natural Resources will hold a public hearing on the creation of ch. NR 336, Wis. Adm. Code, relating to the small and abandoned dam removal grant program. The proposed rule establishes procedures to implement the grant program. Applications for small dam removal grants may be made by any municipality, public inland lake protection district or private individual which owns a dam. The grant will fund 50% of the eligible project costs up to a maximum state contribution of \$50,000. Applications for abandoned dam removal grants can be made by any person who has legal access to the property containing the dam for the purpose of removal. The grant will fund 100% of the eligible project costs.

NOTICE IS HEREBY FURTHER GIVEN that the pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

Hearing Information

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

Tuesday, January 7, 2003 at 3:00 p.m.

Video conference participation will be available at:

Room 021, GEF #2 Building
101 S. Webster Street
Madison

Room 139, State Office Building
718 W. Clairemont Ave.,
Eau Claire

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Paul Strom at (608) 266-9273 with specific information on your request at least 10 days before the date of the scheduled hearing.

Fiscal Impact

Funding for the small and abandoned dam removal program comes from existing bonding authority which also funds dam safety repair, reconstruction, modification or removal projects governed by ch. NR 335. Consequently, the state will not incur additional financial obligations. The program is voluntary, so no additional local or other governmental unit costs are required.

Contact Information

Written comments on the proposed rule may be submitted to Mr. Paul Strom, Bureau of Watershed Management, P.O. Box 7921, Madison, WI 53707 no later than January 17, 2003. Written comments will have the same weight and effect as oral statements presented at the hearing. A copy of the proposed rule [WT-31-02] and fiscal estimate may be obtained from Mr. Strom.

Notice of Hearings

Workforce Development (Unemployment Insurance) [CR 02-137]

NOTICE IS HEREBY GIVEN that pursuant to ss. 108.14 (2), 2001 Wis. Act 35, section 72 (2) (a), and s. 227.11, Stats., the Department of Workforce Development proposes to hold three public hearings to consider the amendment of s. DWD 100.02 (28), relating to unemployment insurance availability.

Hearing Information

Tuesday, December 17, 2002

11:00 am to 12:00 pm
Portage County Public Library
Rotary Room
1001 Main Street
Stevens Point, WI

Wednesday, December 18, 2002

10:30 am to 11:30 am
GEF 1, Room H206
201 E. Washington Avenue
Madison, WI

Thursday, December 19, 2002

11:00 am - 12:00 pm.
State Office Building
Room 45
819 North 6th Street
Milwaukee, WI

Interested persons are invited to appear at the hearings and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing. If you have special needs or circumstances that may make communication or accessibility difficult at the hearings, please call (608) 267-1405 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Sections 108.14 (2) and 227.11, Stats. and 2001 Wis. Act 35, section 72 (2) (a).

Statutes interpreted: Section 108.08 (1), Stats.

The proposed rule will reduce the number of hours that a claimant must be available for full-time suitable work to be eligible for unemployment insurance from 35 to 32 hours. This change is proposed because a significant percentage of the modern workforce does not work 35 to 40 hours per week, often due to child care or other obligations.

Rule Text

SECTION 1. DWD 100.02 (28) is amended to read:

DWD 100.02 (28) "Full-time" means work which is performed for 35 32 or more hours in a week.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in

the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Initial Regulatory Flexibility Analysis

The proposed rule does not affect small business.

Fiscal Impact

There is no fiscal impact.

Contact Information

For substantive questions concerning the proposed rule, contact Tom Smith, Research Attorney, UI Bureau of Legal Affairs, 266-9641.

Written Comments

Written comments on the proposed rules received at the following address no later than Friday, December 20, 2002, will be given the same consideration as testimony presented at the hearing.

Tom Smith, Research Attorney
UI Bureau of Legal Affairs
Department of Workforce Development
P.O. Box 8942
Madison, WI 53707-8942
tom.smith@dwd.state.wi.us

Rule orders filed with the revisor of statutes bureau

The following administrative rule orders have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Revisor of Statutes Bureau at gary.poulson@legis.state.wi.us or (608) 266-7275 for updated information on the effective dates for the listed rule orders.

**Agriculture, Trade and Consumer Protection
(CR 01-124)**

An order affecting ch. ATCP 80, relating to dairy plants and dairy laboratories.
Effective 1-1-03.

**Agriculture, Trade and Consumer Protection
(CR 01-125)**

An order affecting ch. ATCP 60, relating to dairy farms.
Effective 1-1-03.

**Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors
(CR 02-090)**

An order affecting ch. A-E 6, relating to land surveyor temporary permits.
Effective 1-1-03.

**Financial Institutions-Securities
(CR 02-102)**

An order affecting ch. DFI-Sec 3, 4, 5 and 9, relating to securities broker-dealer, agent, investment adviser and investment adviser representative license-filing procedures, license period provisions, and securities registration disclosure requirements.
Effective 1-1-03.

**Hearings and Appeals
(CR 02-024)**

An order affecting ch. HA 1, relating to the procedure and practice of conducting administrative hearings.
Effective 1-1-03.

**Natural Resources
(CR 02-045)**

An order affecting ch. NR 324, relating to the regulation of fishing rafts on the Wolf river and its tributaries.
Effective 1-1-03.

**Occupational Therapy Affiliated Credentialing Board
(CR 02-026)**

An order creating chs. OT 1 to 5, relating to the licensure and regulation of occupational therapists.
Effective 1-1-03.

**Public Service Commission
(CR 02-027)**

An order affecting ch. PSC 113, relating to the service rules for electrical utilities.
Effective 1-1-03.

**Transportation
(CR 02-081)**

An order affecting ch. Trans 401, relating to construction site erosion control and storm water management procedures for department actions.
Effective 1-1-03.

Rules published with this register and final regulatory flexibility analyses

The following administrative rule orders have been adopted and published in the November 30, 2002, Wisconsin Administrative Register. Copies of these rules are sent to subscribers of the complete Wisconsin Administrative Code and also to the subscribers of the specific affected Code.

For subscription information, contact Document Sales at (608) 266-3358.

Agriculture, Trade and Consumer Protection (CR 02-036)

An order affecting ch. ATCP 127, relating to telemarketing “No Call” list. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The Department of Agriculture, Trade and Consumer Protection (DATCP) currently regulates unfair and deceptive business practices under s. 100.20, Stats. DATCP has adopted rules, under ch. ATCP 127, Wis. Adm. Code, to protect consumers against unfair telemarketing practices. Under s. 100.52, Stats., the Legislature directed DATCP to create a telemarketing “no call” list. This rule, which expands DATCP’s current rules under ATCP 127, regulates telemarketing solicitations and creates a telemarketing “no-call” list.

Under this rule, consumers may contact DATCP to sign up for the “no call” list. Telemarketers may not call consumers whose telephone numbers appear on the list. Telemarketing firms must register with DATCP and pay fees to finance the list compilation and distribution (there is no other appropriation for the “no call” program). On a regular periodic basis, DATCP must update the list and distribute it to registered telemarketers.

Under current law, telemarketers must refrain from making repeat calls to call recipients who say they do not want to be called again. Under this rule, telemarketers must also refrain from calling individuals who register for the state’s telemarketing “no call” list. Telemarketing firms must add, to their own “no call” lists, the numbers contained on the state’s list.

DATCP will provide its “no call” list to registered telemarketing firms, in a format that is readable by all computer systems. Businesses that telemarket into any of the 20 or more states that already have telemarketing “no call” laws will already have systems to comply with this rule. Others may incur one-time cost to reprogram their systems.

Telemarketers must register and pay annual fees to finance the “no call” program (there is no other legislative appropriation). There is a basic annual fee of \$700 for the first year of operation, and \$500 for each subsequent year. Telemarketing firms that use more than 3 phone lines must pay a supplementary annual fee of \$75 per line. Small telemarketing firms will therefore pay less than large firms that use multiple lines.

Annual fees are paid in quarterly installments. In response to business comments, DATCP modified the final draft rule to provide that DATCP may reduce or waive one or more quarterly installments if the department’s projected fiscal year-end cash balance exceeds projected expenditures in that fiscal year by more than 15%.

DATCP has tried to draft the “no call” rule to meet the reasonable expectations of consumers who do not wish to be called by telemarketers. At the same time, DATCP has tried to maintain a “level playing field” and a reasonable allocation of costs among competing businesses. Although the “no call” program will impose additional costs on telemarketing firms, it may also save costs incurred in calling consumers who do not wish to be called and who are not likely to respond favorably to sales solicitations.

DATCP understands that this rule will affect a wide array of businesses, possibly in ways that cannot be entirely foreseen at the present time. Within the first 12 months following the effective date of this rule, DATCP will evaluate the rule and its application to determine whether changes are needed. DATCP will solicit input from affected businesses as part of its review.

Summary of Comments of Legislative Standing Committees

- On July 24, 2002, DATCP transmitted the proposed rule for legislative committee review.

- On July 31, 2002, the President of the Senate assigned the proposed rule to the Senate Committee on Privacy, Electronic Commerce and Financial Institutions. The Senate committee took no action on the proposed rule during its 30-day review period.

- On August 2, 2002, the Speaker of the Assembly assigned the proposed rule to the Assembly Committee on Financial Institutions. The committee did not meet or hold hearings on the rule. However, at the request of the committee chair, DATCP staff met with the committee chair and interested persons on August 13 and August 28 to discuss issues of concern. On September 3, 2002, the committee chair requested an additional meeting and extended the committee review period by 30 days. In response to this request, DATCP again met with the committee chair and interested persons on September 11, 2002.

- On September 26, 2002, the Assembly committee chair asked DATCP to make specific drafting changes to do the following:

- Collect annual telemarketer registration fees in quarterly installments and allow DATCP to waive quarterly installments if DATCP’s projected fiscal year-end cash balance exceeds DATCP’s projected expenditures for that fiscal year by more than 15%.

- Clarify that a telephone solicitation to a consumer on the “no call” list does not, by itself, result in a monetary loss for which the consumer may seek recovery.

- Clarify, by note, the exemption for calls made to a current “client.”

- Exempt calls, made to a party to an existing contract, which are necessary to complete that contract.

– Make a technical change to the prohibition against prerecorded telemarketing calls, to align that prohibition with s. 100.52, Stats.

– Add the word “knowingly” to the prohibition against facilitating violations of the rule.

– Exempt calls made by persons who are not compensated and have no financial interest in the sale promoted by the call.

DATCP provided, to the Senate committee chair, a copy of modifications requested by the Assembly committee chair. The Senate committee chair agreed with all of the requested modifications, except the last one listed above. On September 27, 2002, DATCP on its own initiative submitted, to both the Assembly and Senate committees, the modifications on which the Assembly and Senate committee chairs agreed (all except the last one listed above). Pursuant to s. 227.19 (4) (b) 3., Stats., the review jurisdiction of both committees was accordingly extended for 10 working days, through October 11, 2002. Neither committee took any action within the extended review period.

Corrections (CR 02–038)

An order affecting ch. DOC 310, relating to complaint procedures. Effective 12–1–02.

Summary of Final Regulatory Flexibility Analysis

This proposed rule is not expected to impact on small businesses as defined in s. 227.114 (1).

Summary of Comments of Legislative Standing Committees

No comments were received.

Corrections (CR 02–093)

An order affecting ch. DOC 328, relating to adult field supervision. Effective 12–1–02.

Summary of Final Regulatory Flexibility Analysis

This proposed rule is not expected to impact on small businesses as defined in s. 227.114 (1).

Summary of Comments of Legislative Standing Committees

No comments were received.

Elections Board (CR 02–082)

An order affecting ch. ElBd 6, relating to filing campaign reports by electronic transmission. Effective 12–1–02.

Final Regulatory Flexibility Analysis

The creation of this rule does not affect business.

Summary of Comments of Legislative Standing Committees

No comments were received.

Employee Trust Funds (CR 02–057)

An order affecting ch. ETF 50, relating to employer medical certification requirements under the Long–Term Disability Insurance (LTDI) program. Effective 12–1–02.

Summary of Final Regulatory Flexibility Analysis

The department anticipates that the provisions of this proposed rule will have no direct adverse effect on small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

Health and Family Services (CR 99–009)

An order affecting ch. HFS 77, relating to criteria and procedures for reimbursement of communication access services for persons who are deaf or hard of hearing. Effective 12–1–02.

Summary of Final Regulatory Flexibility Analysis

These rules apply to deaf, deafblind or hard of hearing persons who need or request interpreting services, sign language and oral interpreters, those who provide such services and governmental agencies, courts and private agencies that request interpreting services or information about interpreting services under s. 46.295, Stats.

The Department maintains directories of certified and verified interpreters and certified real time captioners and reimburses them for their services.

Most of the 300 or so certified and verified sign language interpreters and oral transliterators for deaf and hard of hearing persons in Wisconsin operate as small businesses, as “small business” is defined in s. 227.114 (1) (a), Stats.

The principal rule changes – scheduling done by the requesting individual or organization rather than by the Department; use of the Wisconsin Interpreting and Transliterating Assessment (WITA) as the primary means for certifying and verifying interpreters, which will eventually replace the Wisconsin Quality Assurance Program; and replacing two terms used in the rules with terms generally preferred by persons who are deaf or hard of hearing – will not have any impact on those interpreters who may be classified as “small businesses.”

Summary of Comments of Legislative Standing Committees

No comments were received.

Health and Family Services (CR 02–083)

An order affecting ch. HFS 119, relating to operation of the health insurance risk–sharing plan (HIRSP). Effective 12–1–02.

Summary of Final Regulatory Flexibility Analysis

The rule changes will not affect small businesses as “small business” is defined in s. 227.114 (1) (a), Stats. Although the program statutes and rules provide for assessment of insurers to help finance the Health Insurance Risk–Sharing Plan (HIRSP), no assessed insurer is a small business as defined in s. 227.114 (1) (a), Stats. Moreover, s.

149.143, Stats., prescribes how the amount of an insurer's assessment to help finance HIRSP is to be determined.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Health and Family Services
(CR 02-101)**

An order affecting ch. HFS 50, relating to adoption assistance and the use of the state adoption information exchange to find adoptive families for children. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The provisions in the proposed order will not affect small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Medical Examining Board
(CR 02-008)**

An order affecting ch. Med 10, relating to defining "failing to cooperate in a timely manner in an investigation" as unprofessional conduct. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Medical Examining Board
(CR 02-055)**

An order affecting ch. Med 10, relating to defining "sexual contact with a patient" as unprofessional conduct. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Natural Resources
(CR 00-161)**

An order affecting ch. NR 809, relating to lead and copper monitoring and treatment requirements. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The proposed revisions reduce the regulatory workload on public water systems and should make it easier and less costly to comply with the lead and copper rule.

Summary of Comments of Legislative Standing Committees

The proposed rules were reviewed by the Assembly Committee on Environmental Resources. There were no comments.

**Natural Resources
(CR 00-162)**

An order affecting ch. NR 809, relating to public notification requirements for public water systems. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

All 12,000 public water systems in Wisconsin will be affected by these revisions. All the basic requirements of these revisions already apply to small businesses classified as public water systems. Because these revisions simplify those requirements and reduce notice requirements for minor violations of the Safe Drinking Water Act, the overall impact on small businesses should be positive. Stringency of the rule revisions cannot be reduced without violating federal law.

Summary of Comments of Legislative Standing Committees

The rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Environmental Resources. The Senate Committee on Environmental Resources had scheduled a public hearing on July 29, 2002, but canceled the hearing.

**Natural Resources
(CR 02-013)**

An order affecting ch. NR 811, relating to the development of an aquifer storage recovery well or the operation of an ASR system by a municipal water utility. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The proposed rules do not regulate small business; therefore, a final regulatory flexibility analysis is not required.

Summary of Comments of Legislative Standing Committees

The proposed rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Environmental Resources. There were no comments.

**Natural Resources
(CR 02-044)**

An order affecting ch. NR 6, relating to snowmobile rail crossings. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The proposed rules do not regulate small business; therefore, a final regulatory flexibility analysis is not required.

Summary of Comments of Legislative Standing Committees

The proposed rules were reviewed by the Assembly Committee on Tourism and Recreation and the Senate Committee on Environmental Resources. There were no comments.

**Natural Resources
(CR 02-063)**

An order creating ch. NR 173, relating to the brownfield green space and public facilities grant program. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The department does not expect any impact on small businesses as a result of this action since it is a grant program that impacts local governments.

Summary of Comments of Legislative Standing Committees

The proposed rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Environmental Resources. There were no comments.

**Natural Resources
(CR 02-074)**

An order affecting ch. NR 47, relating to the Wisconsin Forest Landowner Grant Program. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The proposed rules do not regulate small business; therefore, a final regulatory flexibility analysis is not required.

Summary of Comments of Legislative Standing Committees

The proposed rules were reviewed by the Assembly Committee on Rural Affairs and Forestry and the Senate Committee on Environmental Resources. There were no comments.

**Natural Resources
(CR 02-076)**

An order affecting ch. NR 428, relating to emissions averaging provisions and categorical emission limits while controlling nitrogen oxides (NO_x). Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

Small businesses will not be directly affected by the proposed rules for emissions averaging as a compliance option to achieve nitrogen oxide emission reductions. Stakeholders have indicated that emissions averaging is much more cost effective than unit by unit compliance with the emission reduction requirements in ch. NR 428.

Summary of Comments of Legislative Standing Committees

The proposed rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Environmental Resources. There were no comments.

**Public Instruction
(CR 01-069)**

An order affecting chs. PI 13 and 16, relating to limited-English proficient pupils. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

There is no impact anticipated on small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Public Instruction
(CR 02-107)**

An order affecting ch. PI 25, relating to the children at risk program. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

There is no impact anticipated on small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Regulation and Licensing
(CR 02-066)**

An order affecting ch. RL 87, Appendix I, relating to the 2003 edition of the Uniform Standards of Professional Appraisal Practice (USPAP). Effective 1-1-03.

Summary of Final Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Regulation and Licensing
(CR 02-067)**

An order affecting chs. RL 81, 84, and 85, relating to real estate appraisers. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Revenue
(CR 99-101)**

An order affecting ch. Tax 11, relating to communication services. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The proposed rule order does not have a significant economic impact on a substantial number of small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Revenue
(CR 02-053)**

An order affecting chs. Tax 6, 11 and 12, relating to waste treatment facilities. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The proposed rule order does not have a significant economic impact on a substantial number of small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Transportation
(CR 02-085)**

An order affecting ch. Trans 130, relating to disabled parking placards. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

This proposed rule will have no adverse impact on small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Transportation
(CR 02-086)**

An order affecting ch. Trans 320, relating to calculation of fees for special events, security, traffic enforcement and escort services. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

The revision of those provisions of ch. Trans 320 that are related to the assessment of charges for security and law enforcement services provided at public events for which an admission fee is required will not have an effect upon small businesses. Since a small business is considered to be a private agency, fees may be imposed under the existing provisions of ch. Trans 320.

The expansion of ch. Trans 320 to provide the state patrol with authority to charge fees for security and traffic law enforcement services provided during the installation, inspection, removal, relocation or repair of a utility facility locate don a highway mat have an impact upon small businesses. The primary impact would be the assessment of charges for services provided by the state patrol. During the past two years, the state patrol has received one request from a private agency for utility facility project services. This request was submitted by TouchAmerica, Inc., which does not meet the definition of small business.

Compliance with this rule making will not require small businesses to prepare any reports, and will not generate additional costs, except for the actual fee for services provided.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Veterans Affairs
(CR 02-091)**

An order creating ch. VA 16, relating to grants to counties that are not served by transportation services provided by the

Wisconsin Department of Disabled American Veterans. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

This proposed rule relates to a grant program for veterans and does not affect small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Workforce Development
(CR 02-087)**

An order affecting ch. DWD 295, relating to the apprenticeship probationary period. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

A final regulatory flexibility analysis is not required because the rule will not have a significant economic impact on a substantial number of small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Workforce Development
(CR 02-088)**

An order affecting ch. DWD 129, relating to an extension of the time period allowed for filing an initial claim for unemployment insurance benefits. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

A final regulatory flexibility analysis is not required because the rule will not have a significant economic impact on a substantial number of small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

**Workforce Development
(CR 02-094)**

An order affecting ch. DWD 80, relating to worker's compensation procedures. Effective 12-1-02.

Summary of Final Regulatory Flexibility Analysis

A final regulatory flexibility analysis is not required because the rule will not have a significant economic impact on a substantial number of small businesses.

Summary of Comments of Legislative Standing Committees

No comments were received.

Sections affected by rule revisions and corrections

The following administrative rule revisions and corrections have taken place in **November 2002**, and will be effective as indicated in the history note for each particular section. For additional information, contact the Revisor of Statutes Bureau at (608) 266-7275.

Revisions

Agriculture, Trade and Consumer Protection:

Ch. ATCP 127

- S. ATCP 127.01 (15)
- S. ATCP 127.80 to 127.84

Corrections:

Ch. DOC 310

Ch. DOC 328

- S. DOC 328.043
- S. DOC 328.045 (1), (2) (intro.) and (c)

Elections Board:

Ch. ElBd 6

- S. ElBd 6.05 (1) (c), (2) and (5)

Employee Trust Funds:

Ch. ETF 50

- S. ETF 50.48 (3), (4) (b) and (c)
- S. ETF 50.50 (5)

Health and Family Services:

Ch. HFS 50

- S. HFS 50.01 (4) (g) and (j)
- S. HFS 50.03 (intro.), (1) (c), (d), (2) (a) and (c)
- S. HFS 50.06 (2) (intro.), (3) (a) and (b)
- S. HFS 50.07
- S. HFS 50.08 (1) (intro.), (a), (b), (d) and (e), (2) (intro.) and (b), (3) (intro.) and (a), (4) and (7)
- S. HFS 50.09 (1) (intro.), (2) (intro.) (a) and (b), (3) and (4)
- S. HFS 50.10

Ch. HFS 51

- S. HFS 51.03 (3)

Ch. HFS 77

Ch. HFS 119

- S. HFS 119.07 (6) (b) to (d)
- S. HFS 119.15 (2) and (3)

Medical Examining Board:

Ch. Med 10

- S. Med (2) (zc) and (zd)

Natural Resources:

Ch. NR 6

- S. NR 6.41 (4) and (5)
- S. NR 6.42
- S. NR 6.43 (1) to (5), (7)

S. NR 6.44

S. NR 6.45

S. NR 6.46

Ch. NR 47

S. NR 47.80

S. NR 47.83

S. NR 47.84 (1) (c) and (2) (b)

S. NR 47.85 (2) (a)

S. NR 47.86 (1) (a), (3) (a), (c) and (e)

S. NR 47.895

Ch. NR 173 (entire chapter)

Ch. NR 428

S. NR 428.02 (6m)

S. NR 428.04 (2) (g)

S. NR 428.06

Ch. NR 809

S. NR 809.04 (intro.), (4), (47), (48), (57) and (78)

S. NR 809.11 (3) (b)

S. NR 809.12 (6) (b), (9) (e)

S. NR 809.21 (10) (e)

S. NR 809.22

S. NR 809.23 (4)

S. NR 809.30 (2)

S. NR 809.31 (7) (a) and (b)

S. NR 809.541 (7)

S. NR 809.542 (intro.), (b) and (c)

S. NR 809.543 (8)

S. NR 809.545 (2) and (4) to (8)

SS. NR 809.546 to 809.549

S. NR 809.55 (1) (c) to (g), (5) (d) and (6) to (8)

S. NR 809.561 (1) to (3), (4) (b)

S. NR 809.562 (1), (3), (5), (6) and (7)

S. NR 809.565 (1) (c), (2) (a), (4)

S. NR 809.566 (2) (a) to (c), (3) (a) and (b)

S. NR 809.567 (2), (3)

S. NR 809.569 (2) (b), (3) (a)

S. NR 809.60 (4)

S. NR 809.725 (1)

S. NR 809.75 (1)

S. NR 809.76 (5)

S. NR 809.775 (1) (f)

S. NR 809.80 (5), (6) (e), (8) (e)

S. NR 809.81

S. NR 809.82 (6)

S. NR 809.833 (2) (c), (3) (intro.), (c) and (e), (5) (c) and (d)

S. NR 809.835 (5)

S. NR 809.837 (8)

SS. NR 809.950 to 809.959

Ch. NR 811

S. NR 811.02 (4) to (30)

S. NR 811.08 (4) (e)
SS. NR 811.87 to 811.93

Public Instruction:

Ch. PI 13 (entire chapter)
Ch. PI 16 (entire chapter)
Ch. PI 25
S. PI 25.06 (2)
S. PI 25.07 (1) (a)

Regulation and Licensing

Ch. RL 81
S. RL 81.01 (3) and (4)
Ch. RL 84
S. RL 84.01 (6) (c), (7g), (8) and (11)
S. RL 84.02 (1) and (2)
S. RL 84.03 (1), (2) (intro.) and (a)
S. RL 84.04 (1) and (2)
Ch. RL 85
S. RL 85.01 (1) and (1m)
S. RL 85.02 (7) (d) and (8) (e)

Revenue:

Ch. Tax 6
S. Tax 6.40 (2) (b) and (3)
Ch. Tax 11
S. Tax 11.11 (2), (2m), (4), (5) (a) and (c)

S. Tax 11.66
Ch. Tax 12
S. Tax 12.40 (2) and (3)

Transportation:

Ch. Trans 130
S. Trans 130.04 (1)
Ch. Trans 320
S. Trans 320.01 (2)
S. Trans 320.02 (intro.), (1), (14), (16), (18) to (20)
S. Trans 320.03 (1), (7), (8) (d), (13) and (16)
S. Trans 320.06

Veterans Affairs:

Ch. VA 16 (entire chapter)

Workforce Development:

Ch. DWD 80
S. DWD 80.05 (1)
S. DWD 80.15
S. DWD 80.21 (4)
S. DWD 80.24
Ch. DWD 129
S. DWD 129.01 (1)
Ch. DWD 295
S. DWD 295.07 (4)

Editorial corrections

Corrections to code sections under the authority of s. 13.93 (2m) (b), Stats., are indicated in the following listing:

Agriculture, Trade and Consumer Protection:

Ch. ATCP 123
S. ATCP 123.01 (3)

Ch. HFS 51
S. HFS 51.02
S. HFS 51.07 (1) (e), (3) (a), (7), (8) (a) and (c)

Corrections:

Ch. DOC 328
S. DOC 328.04 (2) (n) and (3) (n)
S. DOC 328.047 (intro.)
S. DOC 328.05 (1) (d) and (11)
S. DOC 328.07 (2), (5) and (8)
S. DOC 328.14 (3)

Natural Resources:

Ch. NR 809
S. NR 809.932 (6)

Employee Trust Funds:

Ch. ETF 50
S. ETF 50.50 (4)

Revenue:

Ch. Tax 12
S. Tax 12.065
S. Tax 12.073
S. Tax 12.22
S. Tax 12.40 (3) (a) and (b)
S. Tax 12.50 (1) and (2)

Health and Family Services:

Ch. HFS 50
S. HFS 50.01 (4) (i)
S. HFS 50.03 (1) (b)
S. HFS 50.044 (3) (c)
S. HFS 50.045 (3) (c)
S. HFS 50.05 (1) (a)

Transportation:

Ch. Trans 130
S. Trans 130
S. Trans 130.01
S. Trans 130.03 (1) (j) and (2) (g)

Workforce Development:

Ch. DWD 80
S. DWD 80.44

Ch. DWD 296
S. DWD 296.10

Errata

Items reprinted to correct printing errors such as dropped copy (or other errors) are indicated in the following listing:

Commerce:

Ch. Comm 61
S. Comm 61.61

Ch. Comm 64
S. Comm 64.0403 (footnote)

Sections affected by revisor's corrections not published

Revisor's corrections under s. 13.93 (2m) (b), Stats., identified in this Wis. Adm. Register.

Subscriber's note: Please make corrections (manually) in your printed code. The affected sections are shown as corrected on the Revisor of Statutes Internet site, [Http://www.legis.state.wi.us/rsb/](http://www.legis.state.wi.us/rsb/), and on the WisLaw® CD-ROM. Printed code will be shown as corrected in its next printing.

Location of invalid cross-reference	Invalid cross-reference	Correction
HFS 38.09 (2)	ch. SFC 3	ch. MPSW 3

Executive orders

The following are recent Executive Orders issued by the Governor.

Executive Order 59. Relating to a proclamation that the flag of the United States and the flag of the State of Wisconsin be flown at half-staff as a mark of respect for United States Senator Paul Wellstone who lost his life in a plane crash in Minnesota.

Public notice

Health and Family Services

Medical Assistance Reimbursement of Nursing Homes

State of Wisconsin Medicaid Nursing Facility Payment Plan: FY02-03

The State of Wisconsin reimburses Medicaid-certified nursing facilities for long-term care and health care services provided to eligible persons under the authority of Title XIX of the Federal Social Security Act and ss. 49.43 to 49.47, Wisconsin Statutes. This program, administered by the State's Department of Health and Family Services, is called Medical Assistance (MA) or Medicaid. Federal Statutes and regulations require that a state plan be developed that provides the methods and standards for setting payment rates for nursing facility services covered by the payment system. A plan that describes the nursing home reimbursement system for Wisconsin is now in effect as approved by the Center for Medicare/Medicaid Services (CMS).

The Department is proposing a change in the methods of payment to nursing homes and, therefore, in the plan describing the nursing home reimbursement system. The change is effective January 1, 2003.

The proposed change would make one payment-related policy change. This change is necessary to implement a policy contained in the Wisconsin 2002-2004 Biennial Budget.

The estimated increase in annual aggregate expenditures attributable to this change for nursing homes serving MA residents is approximately \$300,000 all funds, (\$180,000 FFP).

The proposed change is being implemented to comply with Wisconsin Statutes governing Medicaid payment systems, particularly s. 49.45 (6m), Stats.

The proposed change is to:

Revise Section 3.775, regarding the distribution of funds associated with the Family Care Medicaid patient days.

Copies of the proposed changes:

Copies of the available proposed change may be obtained free of charge by writing to:

Division of Health Care Financing
PO Box 309
Madison, WI 53701-0309
Attention: Nursing Home Medicaid Payment Plan
or by faxing James Cobb at 608-264-7720.

The available proposed change may be reviewed at the main office at any county department of social services or human services.

Written comments/meetings:

Written comments on the proposed change may be sent to the Division of Health Care Financing, at the above address. The comments will be available for public review between the hours of 7:45 a.m. and 4:30 p.m. daily in Room 350 of the State Office Building, 1 West Wilson Street, Madison, Wisconsin. Revisions may be made in the proposed change based on comments received.

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